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March 7, 2007

Mr. Gary K. Graham, Examiner

Mr. Robert Warden, Examiner Supervisor
Art Unit 1744

United States Patent and Trademark Office

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Re: Application No. 10/825/793 -----viewer insight to cadence coating tool

Ref: Mine of July 24, 2006; Yours of August, 2006; Mine of August 26, 2006 to

G. Graham, examiner; Mine of November 22, 2006 to Graham/Warden; Notice of
Abandonment received February 2007; Mine of March 5 and 6, 2007

Gentlemen,

Upon telephone conversation with Mr. Graham, Examiner, I understand that the conflict arises in the acceptance of the word "paintbrush" to sufficiently distinguish the structure of the embodiment from anticipation by Lay's "grooming brush". I therefore offer to you the rationale that the word "paintbrush" is generic as is "spoon" and adequately describes a highly familiar structure.

Even in a quick search within your data base the word "paintbrush" gets 886 hits distinguished from "grooming brush" at 463 hits. The system carefully isolates these structures; therefore please recognize the word "paintbrush" as a structural description of the embodiment which will carry our bristle cadence. Upon review of several of the patents issued to folks who use the words "paintbrush" or "paint brush" for structures related to their inventions, I find the attached patent references: 7,185,386; D511,412; 6,823,553; 6,871,825; 6,929,225 which are some of the issued patents using the terms to describe a common structure.

In addition, please recognize and accept the structural difference resulting from the length of the bristles promoting bending (shown on the drawing) which could not cause dislodgement, massage or removal of debris as intended by Mr. Lay; though this is use of the device, the flexibility of the bristles is certainly structural. The argument that Mr. Lay's grooming brush could be used to paint is not completely true; the structure of a "paintbrush" keeps the user's fingers out of the applied coating whereas this is a major structural drawback if one were to use the grooming brush. Finger marks and bristle scratches are not desirable finishes for coatings.

Further, it should be noted that bristle fastening methods to a handle are quite different; in a "paintbrush", the common method is to embed one end of the filament in epoxy, orienting the split end distally; whereas the common method for "grooming" brushes is to form tufts by folding the filaments into holes in the block handles. These methods are long ago disclosed so the word "paintbrush" adequately describes the structure of our invention, using the epoxy fixation on one end of the filaments/bristles.

Please assist us in obtaining a United States Patent for our highly productive "paintbrush" due to its isokinetic feature reducing strain and fatigue. Thank you.

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A.W. Learned III